

# HOUSE . . . . . No. 2782

By Mr. Mariano of Quincy, petition of Ronald Mariano relative to providing for review of proposed changes to health care provider mandates by the Division of Health Care Finance and Policy. Health Care Financing.

## The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO PROVIDING FOR REVIEW OF PROPOSED CHANGES TO HEALTH CARE PROVIDER MANDATES BY THE DIVISION OF HEALTH CARE FINANCE AND POLICY.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. (a) Chapter 3 of the General Laws, as amended by  
2 section 3 of Chapter 300 of the Acts of 2002, is hereby amended  
3 by inserting after section 38C the following section:—

4 38D. (a) For the purposes of this section, a health care provider  
5 mandate is one that mandates a new operational or fiscal reporting  
6 requirement on health care providers licensed under Chapter 19,  
7 Chapter 111, Chapter 112, and Chapter 123.

8 (b) Joint Committees of the general court and the house and  
9 senate committees on ways and means when reporting favorably  
10 on health care provider mandates referred to them shall include a  
11 review and evaluation conducted by the division of health care  
12 finance and policy pursuant to this section.

13 (c) Upon request of a joint standing committee of the general  
14 court having jurisdiction or the committee on ways and means of  
15 either branch, the division of health care finance and policy shall  
16 conduct a review and evaluation of the health care provider man-  
17 date proposal, in consultation with other relevant state agencies,  
18 and shall report to the committee within 90 days of the request.

19 (d) All interested parties supporting or opposing the proposal  
20 may provide the division of health care finance and policy infor-  
21 mation relevant to the division's review. The division shall enter  
22 into interagency agreements as necessary with all state agencies

23 holding data, including cost data, relevant to the division's review  
24 under this section. The division of health care finance and policy  
25 may, after consultation with all parties that would be affected by  
26 such health care provider mandate proposal, contract with inde-  
27 pendent consultants as necessary to complete its analysis. The  
28 report shall include, at a minimum, the following:

29 (1) the financial impact of the health care provider mandate  
30 proposal on all parties affected by the proposal;

31 (2) whether any data required by the proposal is already col-  
32 lected by any state agency;

33 (3) whether there is a specific need for governmental interven-  
34 tion that is clearly identified and precisely defined;

35 (4) whether the costs of the proposal exceed the benefits that  
36 would be effected by the proposal;

37 (5) whether less restrictive, less intrusive and less costly alter-  
38 natives are available to achieve the desired outcome of the pro-  
39 posal;

40 (6) whether a process and schedule can be established to mea-  
41 sure the effectiveness of the proposal;

42 (7) whether the proposal can be time-limited and reviewed on a  
43 regular basis.

1 SECTION 2. of Chapter 30A of the General Laws, as so  
2 appearing, is hereby amended by inserting after the first paragraph  
3 the following paragraph:—

4 Prior to the adoption or amendment of any regulation as to  
5 which a public hearing is required, an agency must demonstrate,  
6 that: (a) the financial impact of all parties that will be affected is  
7 fully documented; (b) there is a specific need for governmental  
8 intervention that is clearly identified and precisely defined; (c) the  
9 costs of the proposal do not exceed the benefits that would be  
10 effected by the regulation; (d) less restrictive, less intrusive and  
11 less costly alternatives have been considered and found less desir-  
12 able based on a sound evaluation of the alternatives; (e) the  
13 Agency has established a process and a schedule for measuring  
14 the effectiveness of the regulation; (f) the regulation is time-lim-  
15 ited or provides for regular review.

1     SECTION 3. Chapter 30A of the General Laws, as so appear-  
2     ing, is hereby amended by inserting before the first paragraph the  
3     following paragraph:—

4     Prior to the adoption or amendment of any regulation as to  
5     which a public hearing is not required under section 2, an agency  
6     must demonstrate, that: (a) the financial impact of all parties that  
7     will be affected is fully documented; (b) there is a specific need  
8     for governmental intervention that is clearly identified and pre-  
9     cisely defined; (c) the costs of the proposal do not exceed the ben-  
10    efits that would be effected by the regulation; (d) less restrictive,  
11    less intrusive and less costly alternatives have been considered  
12    and found less desirable based on a sound evaluation of the alter-  
13    natives; (e) the Agency has established a process and a schedule  
14    for measuring the effectiveness of the regulation; (f) the regula-  
15    tion is time-limited or provides for regular review.